

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CFS 12 FUNDING LLC and AC MANAGER
LLC,

Petitioners,

21-cv-9711 (PKC)

-against-

ORDER

JEREMY L. WIESEN,

Respondents.

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CASTEL, U.S.D.J.

A motion to confirm an arbitration award has been fully submitted and is subjudice. Respondent Jeremy L. Wiesen represents himself pro se. An online obituary for a Jeremy Lester Wiesen, which recounts certain biographical details that appear to be consistent with those of the respondent, states that Jeremy Lester Wiesen died on July 24, 2022 in West Palm Beach, Florida.¹

Rule 25(a), Fed. R. Civ. P., governs the substitution of a party in the event of death. Rule 25(a)(1) provides:

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

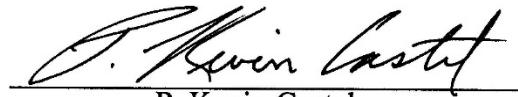
“Rule 25(a)(1) is designed to prevent a situation in which a case is dismissed because a party never learned of the death of an opposing party. Instead, the party is given 90 days from the time

¹ See <https://www.legacy.com/us/obituaries/nytimes/name/jeremy-wiesen-obituary?id=36161748>

when it learns from compliance with Rule 25(a)(1) of the death of an opposing party to take appropriate action.” Unicorn Tales, Inc. v. Banerjee, 138 F.3d 467, 469-70 (2d Cir. 1998).

In certain circumstances, a court may direct counsel to a plaintiff to investigate the status of a defendant, and, if the defendant is deceased, make reasonable inquiry to identify the representative of the estate or an appropriate successor. See In re MGM Mirage Sec. Litig., 282 F.R.D. 600, 603-04 (D. Nev. 2012). Counsel to petitioners are directed to make inquiry as to the status of Mr. Wiesen. No later than October 17, 2022, counsel to petitioners shall file a letter that sets forth their understanding of any developments related to Mr. Wiesen. Mr. Wiesen, or a representative of Mr. Wiesen, may also submit a letter in response to this Order.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
October 3, 2022

COPY MAILED TO:

Jeremy L. Wiesen
1200 S. Flagler Drive
West Palm Beach, FL 33401